

# EXISTING AGRICULTURAL DRAIN TILE INVESTIGATION PLAN INCLUDING EXISTING DRAIN TILE ABANDONMENT AND MODIFICATION PROPOSAL

## E.C.C. SPARTAN DRIVE PARCEL

PREPARED FOR HAMPTON, LENZINE AND RENWICK INC.

SECTION NO. 21, ELGIN TWP., KANE COUNTY, IL.

### EXISTING SUBSURFACE AGRICULTURAL DRAIN TILE INVESTIGATION REPORT

### E.C.C.SPARTAN DRIVE PARCEL HAMPTON, LENZINE AND RENWICK INC.

E.C.C.SPARTAN DR.PARCEL / HAMPTON, LENZINE AND RENWICK FILE NO. 4-8-21, 5/13/2014.  
IN ACCORDANCE WITH KANE COUNTY STORM WATER ORDINANCE DRAIN TILE INVESTIGATION STANDARDS  
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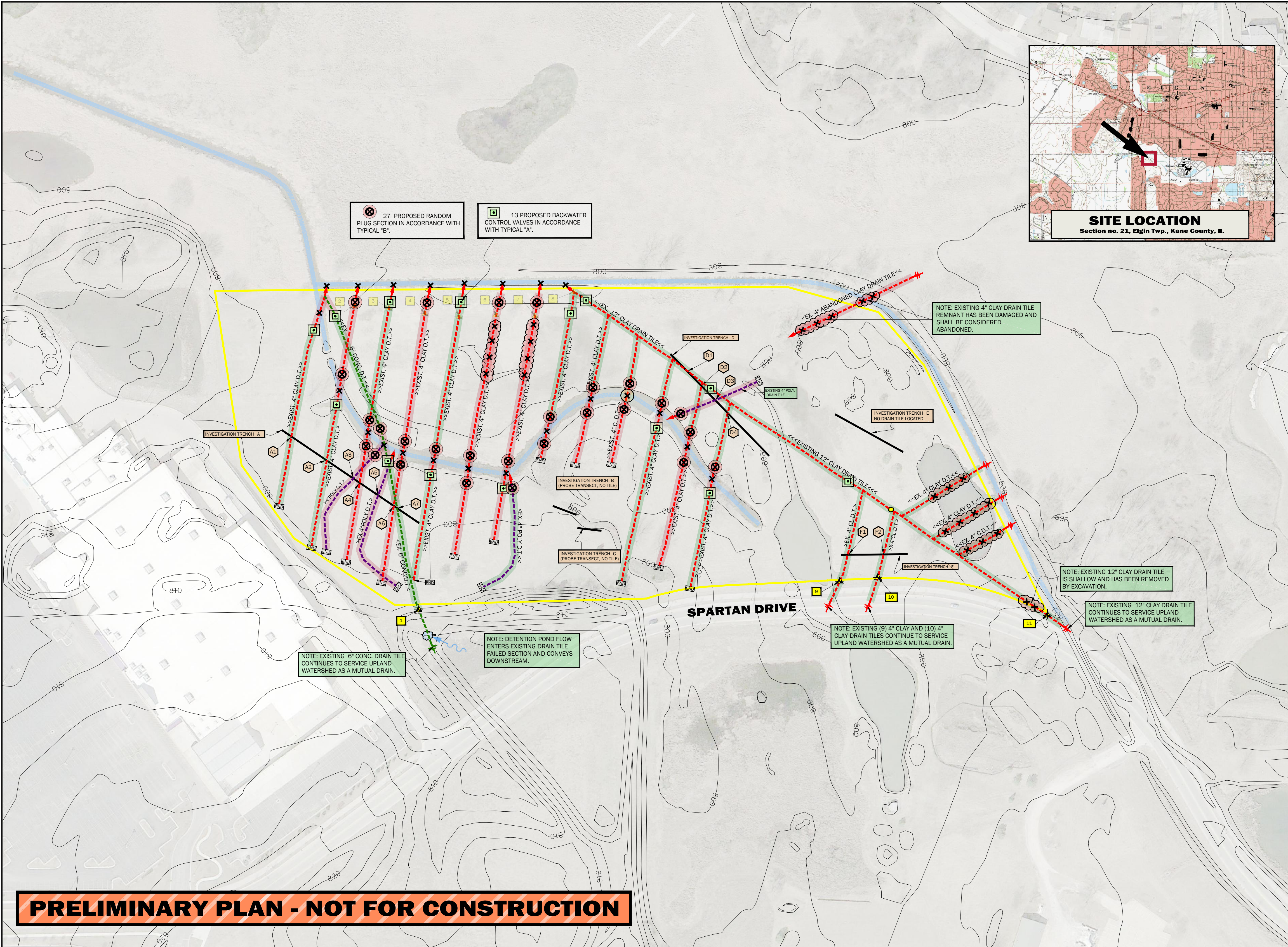
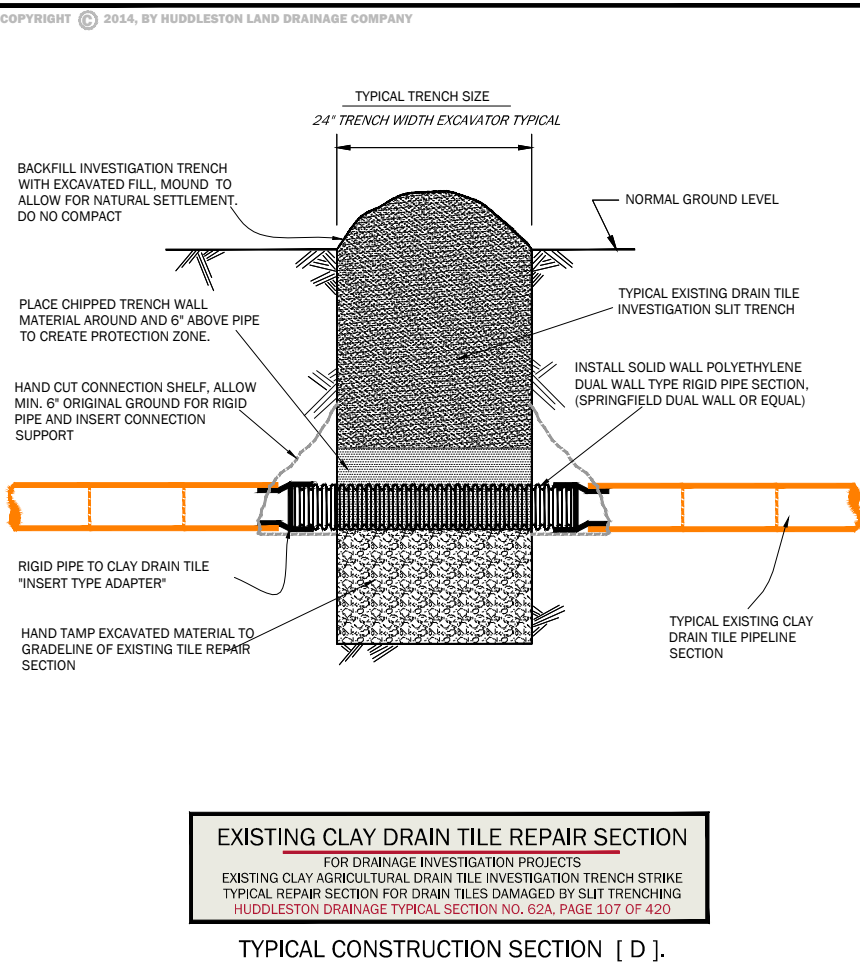
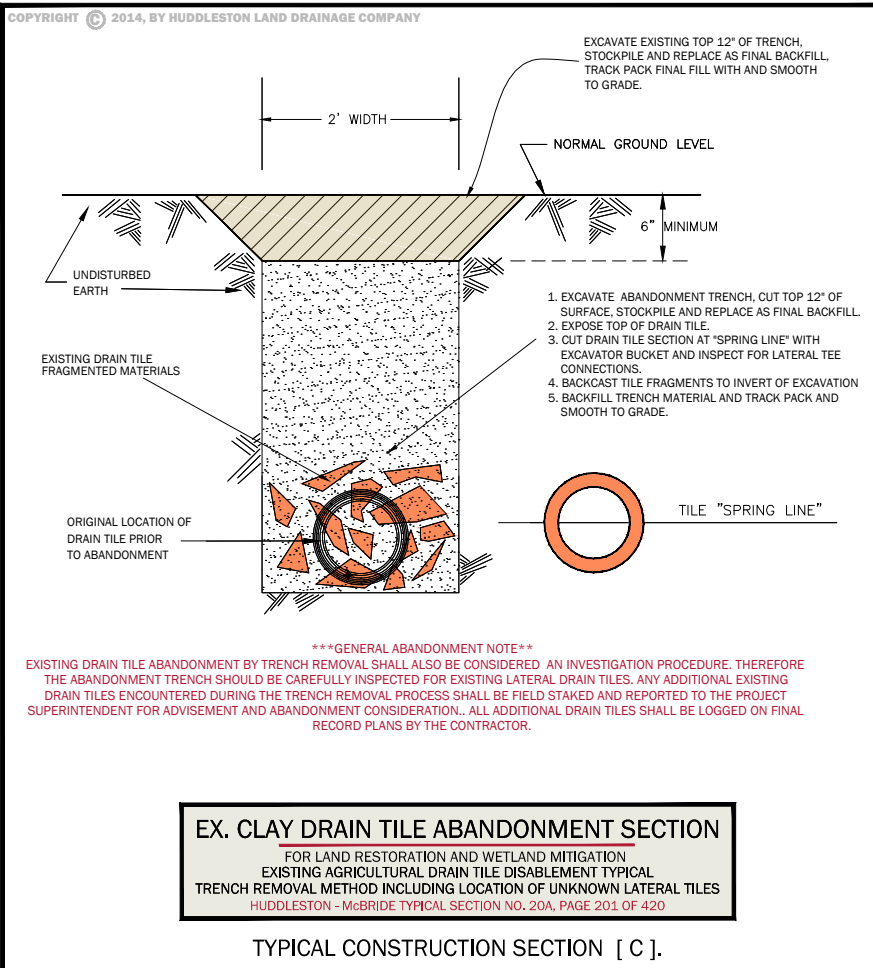
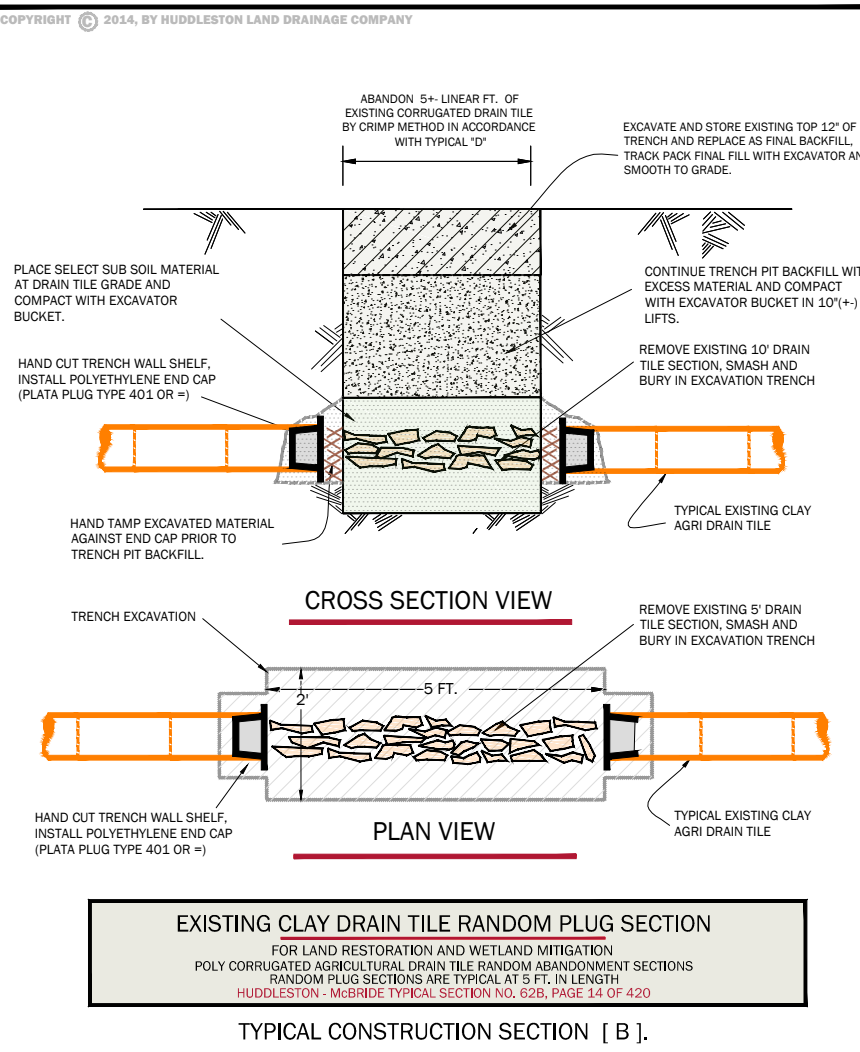
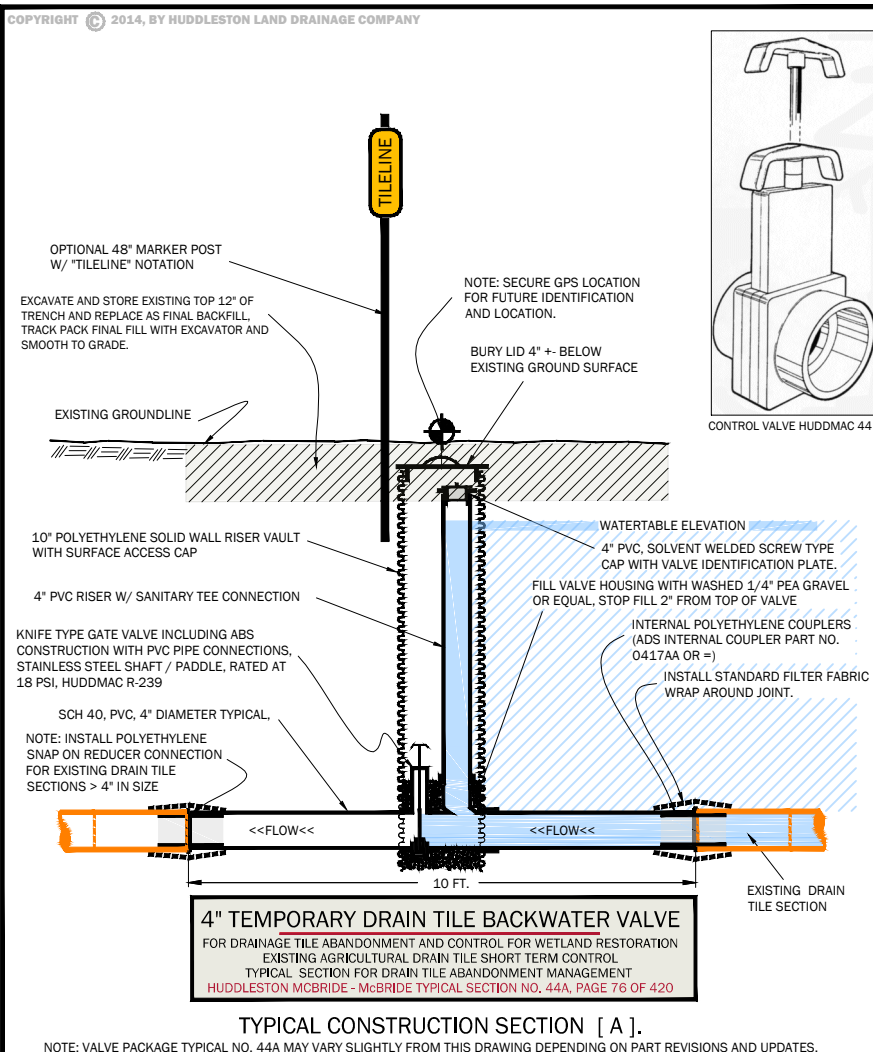
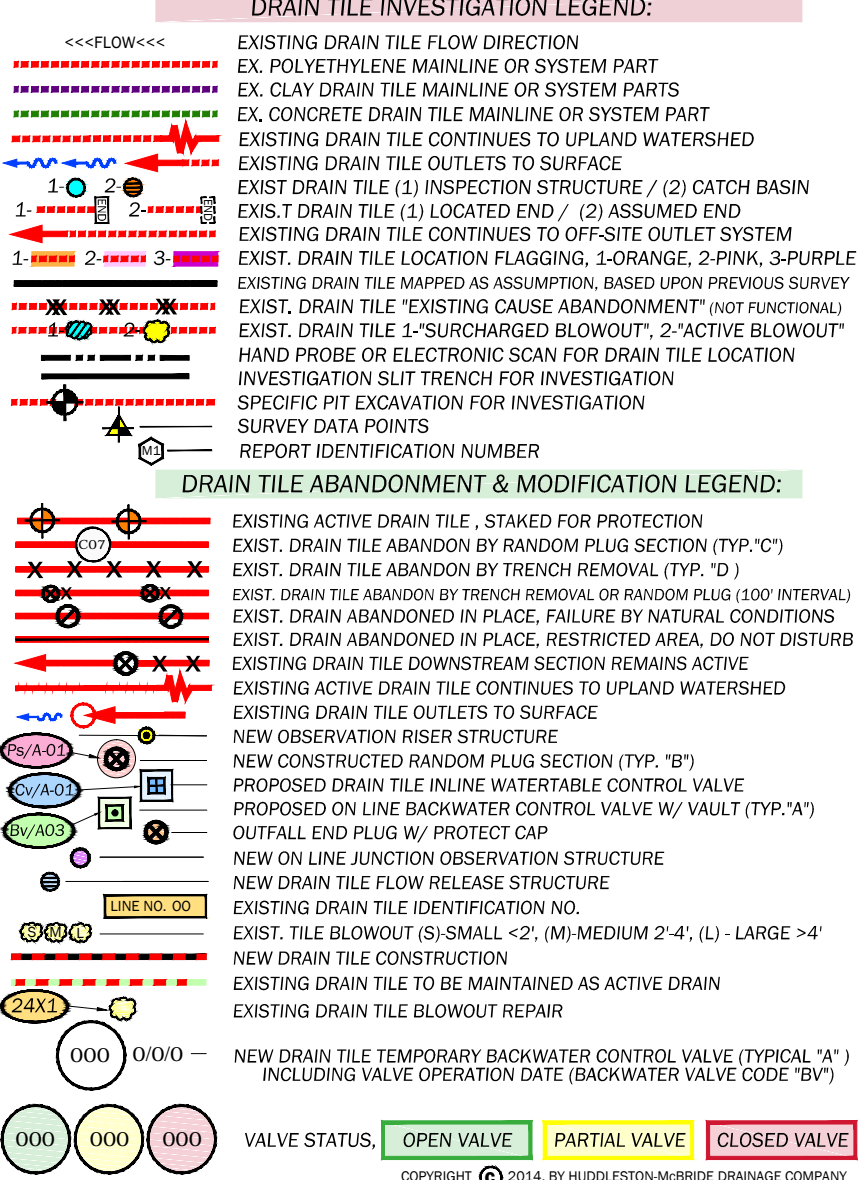
#### DESCRIPTION CHART NO. 1A :

ID NO.	SZ.	TYPE / QUALITY	FLOW %	SILT %	DEPTH GRD./IN.	FIELD NOTES:
A1	4"	CLAY / FAIR	FLOODED	80%	29"	RESTRICTED FLOW AND SURCHARGED
A2	4"	CLAY / GOOD	FLOODED	75%	30"	RESTRICTED FLOW AND SURCHARGED
A3	4"	POLY / GOOD	SOFT	30%	14"	ACTIVE FLOW RATE AND CAPACITY
A4	4"	CLAY / GOOD	FLOODED	80%	32"	RESTRICTED FLOW AND SURCHARGED
A5	4"	POLY / GOOD	SOFT	10%	12"	ACTIVE FLOW RATE AND CAPACITY
A6	4"	CLAY / GOOD	FLOODED	15%	35"	RESTRICTED FLOW AND SURCHARGED
A7	6"	CONC. / GOOD	FLOODED	CLEAN	34"	RESTRICTED FLOW AND SURCHARGED
B	0"	0	0	0	0	NO DRAIN TILE LOCATED
C	12"	CLAY / GOOD	FLOODED	30%	73"	RESTRICTED FLOW AND SURCHARGED
D2	4"	CLAY / FAIR	FLOODED	40%	27"	RESTRICTED FLOW AND SURCHARGED
D3	4"	POLY / GOOD	FLOODED	SOFT	29"	RESTRICTED FLOW AND SURCHARGED
D4	4"	CLAY / GOOD	FLOODED	10%	29"	RESTRICTED FLOW AND SURCHARGED
E	4"	CLAY / FAIR	FLOODED	80%	35"	RESTRICTED FLOW AND SURCHARGED
F1	4"	CLAY / FAIR	FLOODED	80%	35"	RESTRICTED FLOW AND SURCHARGED
F2	4"	CLAY / GOOD	FLOODED	70%	48"	RESTRICTED FLOW AND SURCHARGED

#### DESCRIPTION CHART NO. 1B :

DATA POINT	SZ.	TYPE / QUALITY	FLOW %	SILT %	DEPTH HUB/IN.	FIELD NOTES:
1	6"	POLY / GOOD	FLOODED	CLEAN	58"	MAINLINE AT PROPERTY INGRESS
2	4"	CLAY / FAIR	FLOODED	75%	30"	LATERAL AT PROPERTY EGRESS
3	4"	CLAY / GOOD	FLOODED	80%	37"	LATERAL AT PROPERTY EGRESS
4	4"	CLAY / FAIR	FLOODED	80%	32"	LATERAL AT PROPERTY EGRESS
5	4"	CLAY / FAIR	FLOODED	75%	34"	LATERAL AT PROPERTY EGRESS
6	4"	CLAY / FAIR	FLOODED	80%	32"	LATERAL AT PROPERTY EGRESS
7	4"	CLAY / FAIR	FLOODED	80%	43"	LATERAL AT PROPERTY EGRESS
8	12"	CLAY / FAIR	FLOODED	80%	41"	LATERAL AT PROPERTY EGRESS
9	4"	CLAY / FAIR	FLOODED	80%	35"	LATERAL AT PROPERTY INGRESS
10	4"	CLAY / FAIR	FLOODED	70%	35"	LATERAL AT PROPERTY INGRESS
11	12"	CLAY / POOR	FLOODED	60%	58"	MAINLINE AT PROPERTY INGRESS

### EXISTING AGRICULTURAL DRAIN TILE INVESTIGATION AND ABANDONMENT LEGEND:



PROJECT CLIENT:  
**HAMPTON, LENZINE AND RENWICK INC.**  
Karen Kase , Project Manager  
380 Shepard Drive, Elgin, IL, 60123

APPROVED BY AND DATE  
TOM HUDDLESTON 5/13/2014

ACKNOWLEDGMENTS:  
HUDDLESTON DRAINAGE MAP and ARCHIVE SYSTEMS

DRAWN BY AND DATE:  
TOM HUDDLESTON 5/13/2014

PROJECT DATE:  
5/13/2014

FIELD FILE NO.:  
4-8-21

DRAWING NO.:  
4-8-21

DATE: BY: DESCRIPTION:

WEATHER CONDITIONS: SUNNY/ WARM - 60s

DRAWING SCALE: 1" TO 100'

SHEET NO. ONE OF ONE

38th Anniversary 1976-2014

ILLINOIS FARM BUREAU MEMBER

811 Know what's below. Call before you dig. 1-800-4-A-DIG

NORTH

E.C.C.SPARTAN DRIVE PARCEL

**HUDDLESTON MCBRIDE**  
PROFESSIONAL LAND DRAINAGE SERVICES  
9504 FOWLER RD., ROCHELLE, ILLINOIS PHONE 815-562-6007



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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF</b>	)	<b>ADMINISTRATIVE CONSENT ORDER</b>
	)	
<b>Elgin Community College District 509</b>	)	<b>DOCKET NO. V-404-AOC-13-</b>
<b>Elgin, Kane County, Illinois,</b>	)	
	)	<b>PROCEEDING UNDER SECTION</b>
<b>Respondent</b>	)	<b>309(a) OF THE CLEAN WATER ACT</b>
	)	<b>33 U.S.C. § 1319(a)</b>
	)	

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**Administrative Consent Order**

1. The U.S. Environmental Protection Agency (EPA) is issuing this Consent Order to Elgin Community College, District 509, Elgin, Kane County, Illinois (Respondent) under the authority of Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue such orders to the Regional Administrator of EPA Region 5, who has redelegated this authority to the Director of the Water Division, EPA, Region 5.

**Statutory and Regulatory Background**

2. Section 301 of the CWA, 33 U.S.C. § 1311, prohibits the discharge of pollutants into navigable waters by any person except in compliance with, *inter alia*, a permit issued under Section 404 of the CWA, 33 U.S.C. § 1344.

3. Section 404 of the CWA, 33 U.S.C. § 1344, authorizes the Secretary of the Army, acting through the Chief of Engineers, U.S. Army Corps of Engineers ("Corps"), to issue permits for the discharge of dredged or fill material into navigable waters.

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4. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines "person" as an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

5. The term "discharge of pollutants" is defined as "any addition of any pollutant to navigable waters from any point source...." 33 U.S.C. § 1362(12).

6. A "point source" is defined as "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

7. A "pollutant" is defined as "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water." 33 U.S.C. § 1362(6).

8. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines "navigable waters," in part, as the waters of the United States, including the territorial seas.

9. 40 C.F.R. §§ 230.3(s) and 232.2 define "waters of the United States" to include: (i) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; (ii) all inter-state waters; (iii) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), sloughs or wetlands, the use, degradation or destruction of which could affect interstate or foreign commerce; (iv) tributaries to such waters; and (v) wetlands adjacent to such waters or their tributaries.

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10. "Wetlands" are defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." 40 C.F.R. § 232.2(f).

11. Under Section 309(a) of the CWA, 33 U.S.C. § 1319(a), the Administrator of EPA may issue an order to comply to any person who is violating Section 301 of the CWA.

#### **Findings**

12. Respondent owns the property located in Section 21, Township 41 N, Range 8 E, in the City of Elgin, Kane County, Illinois (the "Site") (Attachment 1).

13. Between June 2009 and continuing through March 2012, Respondent, using backhoes, excavators, bulldozers and other earth moving and excavation equipment dredged and filled approximately 5.52 acres of wetlands abutting Otter Creek at the Site (Attachment 2).

14. Otter Creek is a tributary to the Fox River, which is a traditional navigable water.

15. The wetlands referenced in Paragraph 13, above, Otter Creek, and Fox River are "waters of the United States" as defined at 40 C.F.R. § 232.2(q) and "navigable waters", as defined at Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

16. Respondent did not have and presently does not have a permit issued under Section 404 of the CWA, 33 U.S.C. § 1344, for the discharge of pollutants referenced in Paragraphs 13, above, into wetlands and other waters of the United States.

17. The Respondent is a "person" within the meaning of the definition set forth in Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

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18. The machinery referenced in Paragraph 13, above, constitutes a "point source" within the meaning of the definition set forth in Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

19. The discharged dredged materials referenced in Paragraph 13, above, constitutes "pollutants" within the meaning of the definitions set forth in Section 502(6) of the CWA, 33 U.S.C. § 1362(6).

20. The placement of the material in the wetlands referenced in Paragraph 13, above, constitutes a "discharge of pollutants" within the meaning of the definition set forth in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

21. Each discharge by Respondent of pollutants into navigable waters without the required permit issued pursuant to Section 404 of the CWA, 33 U.S.C. § 1344, constitutes a day of violation of Section 301 of the CWA, 33 U.S.C. § 1311.

22. Each day the discharged material remains in the wetland without the required permit issued pursuant to Section 404 of the CWA, 33 U.S.C. § 1344, constitutes a day of violation of Section 301 of the CWA, 33 U.S.C. § 1311.

#### **Compliance Order on Consent Requirements**

23. Respondent must immediately cease further discharges of fill material into the wetlands on the Site, except in compliance with a permit issued pursuant to Section 404 of the CWA, 33 U.S.C. § 1344, and the CWA, 33 U.S.C. § 1251, et seq.

24. Within 60 days from the effective date of this Order, Respondent must submit a "Wetland Mitigation Plan" that addresses and is consistent with the "12 Components of a Compensatory Mitigation Plan" attached as Attachment 3. The Wetland Mitigation Plan must include:

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(A) Wetland creation, enhancement or restoration at the Site that totals ~~16.95~~<sup>17.87</sup> acres at the Site through creation, restoration and/or enhancement, including:

(i) A workplan to implement on-site wetland creation or restoration of approximately ~~12.73~~<sup>5.52</sup> acres, wetland enhancement of approximately ~~3.03~~<sup>9.97</sup> acres and a minimum wetland buffer establishment of ~~1.19~~<sup>2.38</sup> acres, as shown in the plan entitled, "Elgin Community College Campus: Potential Wetland ~~Mitigation~~<sup>Creation and Enhancement</sup> Plan" (~~6-19-1411-25-12~~) (Attachment 4). ~~This plan will include installing a drain tile valving system, as shown in the plan entitled, "ECC Spartan Drive Parcel: Existing Agricultural Drain Tile Investigation Plan Including Existing Drain Tile Abandonment and Modification Proposal", (5/13/14) (Attachment 5).~~

(ii) A delineation of the mitigation project site that identifies baseline ecological characteristics of the project site, and sufficient information verifying that the plan entitled, "Elgin Community College: Potential Wetland Creation and Enhance Plan;"

(iii) A monitoring and maintenance plan for the onsite wetland creation and enhancement necessary to control and manage invasive species and ensure the continued viability of the resource once initial construction is completed;

(iv) Description of the restrictive covenant or similar legal instrument that will be used to ensure the protection of the mitigation project site in perpetuity, and schedule for finalization and recording of such instrument with the Kane County Auditor and Recorder;

(v) Identification of the ecologically-based performance standards that will be used to determine whether the mitigation project is achieving its objectives;

(vi) A detailed implementation schedule identifying specific activity dates and

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milestones for initiating and completing all creation, restoration and/or enhancement, monitoring and protection activities, including but not limited dates for bidding, contract award, notices to proceed with construction initiation and planting, construction and planting completion, and monitoring/inspection reports to the Corps; and

(vii) Other information, planning documents, and descriptions necessary to address the “12 Components of a Compensatory Mitigation Plan” attached as Attachment 3.

(B) A plan to purchase no less than an additional 5.3 acres of wetland mitigation credits at a Corps-approved mitigation bank. Respondent shall prepare the necessary contractual documents necessary to purchase sufficient wetland mitigation banking at the Blackberry Creek Wetland Mitigation Bank, the Slough Creek Wetland Mitigation Bank, or another wetland mitigation bank approved by the Corps.

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25. Within 60 days from the effective date of this Consent Order, Respondent shall submit to the Corps an application for an after-the-fact CWA Section 404 permit pursuant to Regional Permit No. 6 to authorize the dredged and fill materials that remain in place on the condition that Respondent implements and complies with the terms of this Order and the Wetland Mitigation Plan required under Paragraph 24, above. Respondent shall comply with all terms and conditions of the issued CWA Section 404 Permit.

26. Respondent shall allow representatives of EPA or the Corps access to the Site to determine compliance with this Order and the CWA.

27. All submittals required by this Order shall be provided to:

Leesa Beal, Chief  
Regulatory Branch  
U.S. Army Corps of Engineers  
Chicago District

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111 North Canal Street  
Chicago, Illinois 60606-7206

Keith Wozniak/Michael Machaelek  
Regulatory Branch  
U.S. Army Corps of Engineers  
Chicago District  
111 North Canal Street  
Chicago, Illinois 60606-7206

and

David Schulenberg  
Senior Enforcement Officer  
U.S. EPA, Region 5  
Water Division (WW-16J)  
77 W. Jackson Boulevard  
Chicago, Illinois 60604-3590

#### **General Provisions**

28. This Consent Order does not affect Respondent's responsibility to comply with the CWA or other federal, state and local laws.

29. This Consent Order does not restrict EPA's authority to enforce the CWA or regulations promulgated pursuant to the CWA, or to seek appropriate relief, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319, for Respondent's violation of the CWA or regulations promulgated pursuant to the CWA.

30. Respondent neither admits nor denies the factual allegations and findings in this Consent Order, but stipulates that EPA has jurisdiction over the subject matter of this Order and agrees to the terms of this Order.

31. Respondent waives all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or



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law set forth in this Consent Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

32. The CWA includes provisions for administrative penalties, for civil injunctive relief and penalties, and for criminal sanctions for violations of the CWA. Specifically, EPA may take one or more of the following actions:

A. assess civil administrative penalties under 33 U.S.C. § 1319(g) and 40 C.F.R. Part 19 of \$16,000 per day for each violation, up to a maximum of \$177,500;

B. seek injunctive relief and penalties under 33 U.S.C. § 1319(b) and 40 C.F.R. Part 19 of \$37,500 per day for each violation; or

C. seek criminal sanctions, including fines and imprisonment, for negligent or knowing violations of the CWA under 33 U.S.C. § 1319(c).

33. Respondent may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Respondent fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) and standards and limitations (as defined in 40 C.F.R. § 2.302(a)(3)) are not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B.

34. Information required to be submitted pursuant to this Order is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it

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seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

35. EPA may use the information Respondent submits pursuant to this Consent Order for an administrative, civil judicial or criminal action.

36. This Consent Order shall be effective on the date of signature by the Director of the Water Division.



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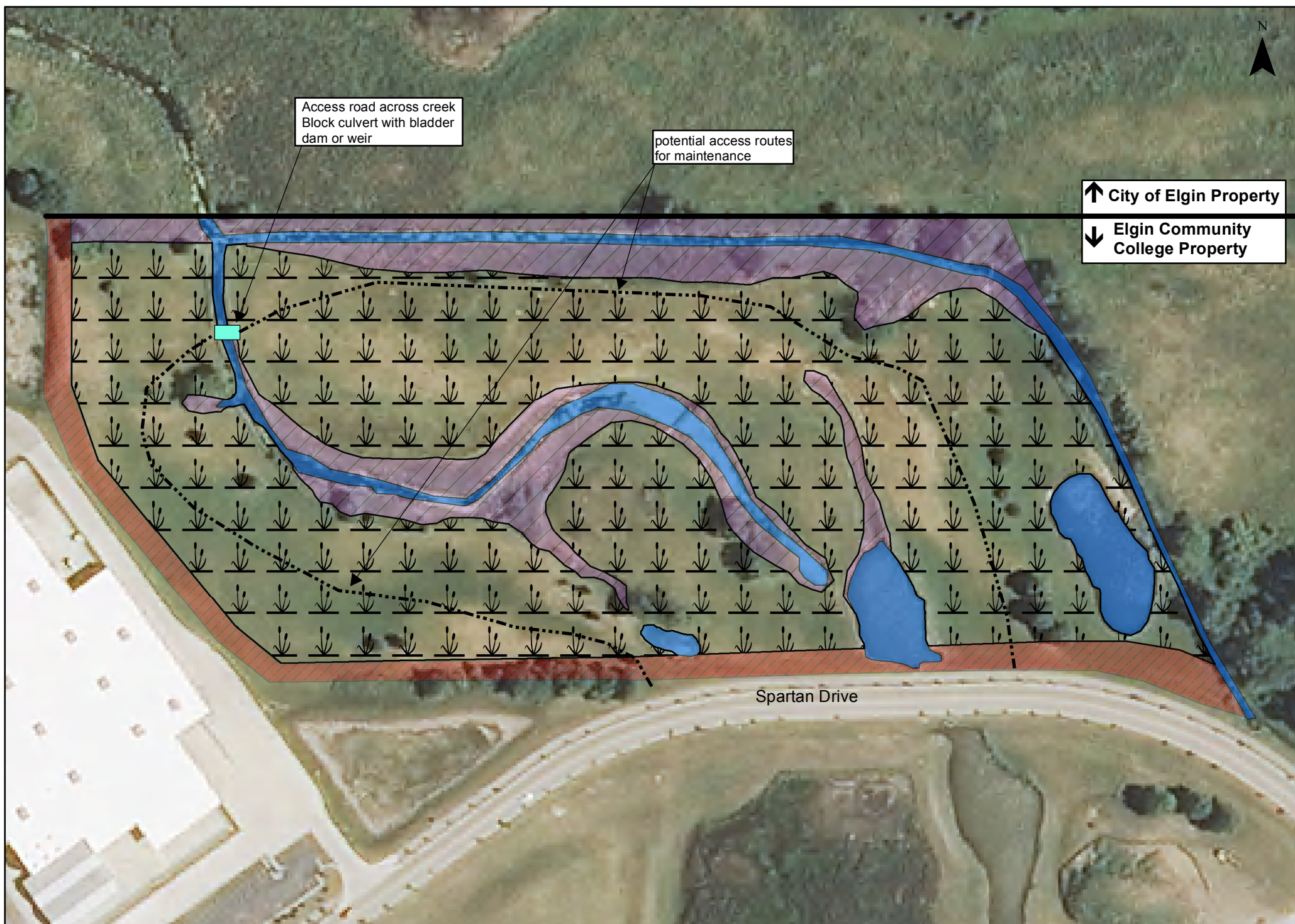
In the Matter of:  
Elgin Community College  
Docket No. V-404-AOC-13-

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Dr. David Sam, Ph.D.  
President, Elgin Community College

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tinka G. Hyde  
Director, Water Division  
U.S. Environmental Protection  
Agency, Region 5







Access road across creek  
Block culvert with bladder  
dam or weir

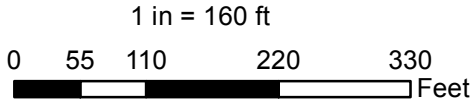
potential access routes  
for maintenance

↑ City of Elgin Property

↓ Elgin Community  
College Property

Spartan Drive

	Wetland Enhancement 3.03 AC.		Wetland Creation- 12.73 AC.
	Buffer Creation- 1.19 AC.		Open Water- 1.68 AC.



**ECC Campus**  
**Potential Wetland Mitigation Options**